

UNITED STATES DISTRICT COURT

SOUTHERN

DISTRICT OF

FLORIDA

RYAN BRESLOW, ET AL

V.

MARK PHILLIPS, ET AL

EXHIBIT AND WITNESS LIST

23-20727-CIV-ALTMAN

PRESIDING JUDGE Lisette M. Reid					PLAINTIFF'S ATTORNEY B. Kussman, C. Berg, J. Katz, A. Iglesias	DEFENDANT'S ATTORNEY Jesse Franklin-Murdock & Nitoj P. Singh
TRIAL DATE (S) Evidentiary Hearing: 4/27/23					COURT REPORTER Glenda Powers	COURTROOM DEPUTY Elizabeth Rodriguez
PLTF. NO.	DEFT. NO.	DATE OFFERED	MARKED	ADMITTED		
X		4/27/23			Ryan Breslow sworn & testified	
X					Jon Gordon sworn & testified	
X					Reed Yurchak sworn & testified	
3		X	X		Webpage printout of DAO LawFirm ETH from Wayback Machine	
5			X	X	Etherscan.org account statement and transaction history of DAO Endowment Gnosis account as of 2/22/23	
6			X	X	Movement DAO Gitbook White Paper 2/2/2022	
12			X	X	MIP0004: Adopt Actions	
15			X	X	MIP0007: Snapshot Consent of the Members of the DAO	
16			X	X	MIP0011: Pay Deferred Legal Fees From 2022	
90			X	X	Copy of the MovementDAO's budget	
90A			X	X	Excerpt from budget	
91			X	X	Email from Mr. Phillips to Mr. Gordon regarding accounting expenses and budget	
92			X	X	Email discussion between Mr. Breslow, Mr. Gordon, Mr. Fine, and Mr. Phillips	
95			X	X	Declaration of Reed Yurchak re Plaintiffs' Reply in Support of Motion for Temporary Restraining Order and Preliminary Injunction	
98			X	X	Etherscan.io transaction history for wallet: 0x2770736960c4739f96d3a033676ff0e34e71fc63, that voted on MIP0014 through MIP0021 w/ 101K Move voting units, but possesses zero ERC20	
107			X	X	Screenshot of text messages dated 7/2/22 between Fine and Phillips re Move token launch procedures	
108			X	X	Screenshot of text messages dated 8/24/22 between Fine and Phillips re Token launch in 3 months and timeline	
110			X	X	Snapshot of Gordon's email inbox & emails: Index showing emails from 9/22 and 10/22 from "Reed Yurchak" that are actually from m@daolawfirm. xyz, re requesting he sign Movement DAO documents	
115			X	X	Screenshot of text message dated 3/13/22 from Phillips to Gordon re Project & interest	
116			X	X	Screenshot of text message dated 8/9/22 from Phillips to Gordon re challenges and proposals	

* Include a notation as to the location of any exhibit not held with the case file or not available because of size.

EXHIBIT AND WITNESS LIST - CONTINUATION

Breslow, et al vs. Phillips, et al					23-20727-CIV-ALTMAN/REID
120		X	X	Breslow's emails to Phillips dated January 6 & 29, expressing concern with actions taken in recent weeks and recitation of Breslow's offer to redeem investors' contributions.	
135		X	X	Phillips text to Ryan July 30, 2022	
154		X	X	DAO endowment Gnosis SAFE transaction record	
165		X	X	SEALED	
314		X	X	MIP-0003: Bootstrap Product Development, dated August 22, 2022	
316		X	X	MIP-0003: Exhibit A - initialization budget, dated August 29, 2022	
322		X	X	MIP-0005 voting log, dated August 29, 2022	
367		X	X	SEALED	
369		X	X	Email dated December 29, 2021, from Marc Welton to Reed Yurchak; Mark Phillips re: Gitbook (ADMITTED FOR LIMITED PURPOSES)	
374		X	X	Discord Chat with Fuego and OBStaker dated February 2, 2022	
376		X	X	Discord Chat with FoxFlint; cRekto; AliG; mr_fine; Fuego; ChoosingtheGarden; mrtdlgc; AmyMarcella and dated February 15, 2022	
380		X	X	Email dated July 11, 2022, from Benjamin Reed to Reed Yurchak re: Non profit (ADMITTED FOR LIMITED PURPOSES ONLY)	
381		X	X	Email dated July 14, 2022, from Marc Welton to Mark Phillips re: Template, Draft documents (ADMITTED FOR LIMITED PURPOSES ONLY)	
382		X	X	Email dated July 14, 2022, from Reed Yurchak to Mark Phillips re: Reminder: Invoice 1391 from Action Engine Inc. (ADMITTED FOR LIMITED PURPOSES ONLY)	
387		X	X	Email dated August 17, 2022, from Benjamin Reed to Reed Yurchak re: Change of Registered Agent - DAOLABS, LLC (ADMITTED FOR LIMITED PURPOSES ONLY)	
389		X	X	Text with Jon Gordon; Ryan Breslow and Mark Phillips dated August 27, 2022	
394		X	X	Email dated September 21, 2022, from Reed Yurchak to Benjamin Reed re: DAOLABS Inc EIN (ADMITTED FOR LIMITED PURPOSES ONLY)	
397		X	X	Email dated October 17, 2022, from Reed Yurchak to Benjamin Reed re: Review please: DAOLABS Technology License Agreements (ADMITTED FOR LIMITED PURPOSES ONLY)	
405		X	X	Email dated January 29, 2023, from Ryan Breslow to Reed Yurchak re: Some important notes	
426		X	X	Email dated August 9, 2022, from Benjamin Reed to Reed Yurchak; Mark Phillips re: [None] (FOR LIMITED PURPOSES ONLY)	
427		X	X	Email dated August 17, 2022, from Benjamin Reed to Reed Yurchak re: Change of Registered Agent (ADMITTED FOR LIMITED PURPOSES)	
430		X	X	Email dated September 27, 2022, from Mark Phillips to Reed Yurchak re: Jango Laboratory Inc Docs - 2 of 3 (no attachment) (ADMITTED FOR PURPOSES ONLY)	
443		X	X	Email dated December 26, 2021, from Marc Welton to j.ted-dao@protonmail.com re: Gitbook Legal Advice	
461		X	X	Declaration of John Gordon dated March 23, 2023	
465		X	X	Discord Chat with Fuego and tankbottoms dated N/A	
471		X	X	Discord Chat with notice to everyone on server	
478		X	X	Chat with Jon Gordon, Mark Phillips, David Steen, and others	
X	5/25/23			Nicholas Bax sworn & testified	

EXHIBIT AND WITNESS LIST – CONTINUATION

Breslow, et al					vs.	Phillips, et al	CASE NO.
	X					Mark Phillips sworn & testified	23-20727-CIV-ALTMAN/REID
	X					Benjamin Reed sworn & testified	
2		X	X			SEALED	
8		X	X			MIP-0000: Adopt the Guiding Principles, Terms of Service, and Code of Conduct	
27		X	X			MIP-0018: Proposal for Deferred 2022 Developer Payouts	
51		X	X			Transfer of DAI cryptocurrency from DAO Developer Multisig account 0x2187e6a7c765777d50213346F0Fe519fCA706fbD to unknown cryptocurrency holding with blockchain address 0x607d56643673649bd25AA47325A7a6AFefffc3B4a for \$500,000 on 2/2/23	
93		X	X			Declaration of Mark Phillips	
118		X	X			Defendants' Notice of Compliance and Response to Order to Show Cause	
125		X	X			natasha_pankina.eth etherscan (wallet voted on MIP 0000)	
126		X	X			pillowfightclub.eth etherscan (wallet voted on MIP 0000)	
127		X	X			tankbottoms.eth etherscan (wallet voted on MIP 0000)	
128		X	X			obstacker.eth etherscan (wallet voted on MIP 0000)	
129		X	X			Service-provider.eth etherscan (wallet voted on MIP 0000)	
130		X	X			benreed.eth etherscan (wallet voted on MIP 0000)	
131		X	X			partypants.eth etherscan (wallet voted on MIP 0000)	
132		X	X			0x58Ba...1650 etherscan (wallet voted on MIP 0000)	
133		X	X			Defendants cash accounting 2023.04.08	
134		X	X			Defendants cash accounting 2023.04.12	
149		X	X			Text message between Jon Gordon and Mark Phillips	
150		X	X			Etherscan transaction records of certain transactions listed on Ex. 90	
155		X	X			MIP-0000 Snapshot Voting Record	
160		X	X			Defendants cash accounting 2023.04.13	
168		X	X			Copy of move xyz website	
169		X	X			Etherscan.io transaction history for cookieslayer.eth	
172		X	X			5/16/2023 Declaration of Mark Phillips	
224		X	X			Screenshot Project #515	
301		X	X			MIP-000: Adopt the Guiding Principles Terms of Service, and Code of Conduct dated 8/9/22	
302		X	X			MIP-000: Exhibit A – Certificate of Adoption of the Organization Documents dated 8/23/22	

EXHIBIT AND WITNESS LIST - CONTINUATION

Breslow, et al					vs.	Phillips, et al	CASE NO.
	303		X	X	MIP-0000: Exhibit B - Guiding Principles, dated August 23, 2022		
	304		X	X	MIP-0000: Exhibit C- Terms of Service, dated August 21, 2022		
	305		X	X	MIP-0000: Exhibit D - Code of Conduct, dated August 21, 2022		
	306		X	X	MIP-0000: Exhibit E - Definitions, dated August 21, 2022		
	333		X	X	MIP-0008 voting log, dated September 19, 2022		
	347		X	X	MIP-0016: Proposal to the Update to the DAO's Snapshot Strategy, dated January 31, 2023		
	358		X	X	MIP-0021 voting log, dated February 9, 2023		
	362		X	X	MIP-0023 voting log, dated March 21, 2023		
	371		X	X	Email dated January 12, 2022, from Reed Yurchak to Ryan Mallory; mmfredyh2@gmail.com.re: N/A		
	375		X	X	Movement DAO (branch deployed) dated February 2, 2022		
	388		X	X	Text with Alex Fine and Mark Phillips dated August 24, 2022		
	395		X	X	Email dated October 1, 2022, from Reed Yurchak to Mark Phillips re: Movement GitBook (ADMITTED FOR LIMITED PURPOSES)		
	396		X	X	The Movement Endowment dated October 2, 2022		
	399		X	X	Email dated December 8, 2022, from Mark Phillips to Jon Gordon re: A.F. talking points		
	417		X		Movement DAO presentation - The platform enabling sustainably funded & governed movements		
	418		X	X	Email dated January 10, 2022, from Reed Yurchak to Benjamin Reed re: Custodial Account		
	419		X	X	Email dated January 10, 2022, from Reed Yurchak to Benjamin Reed re: Client Information Sheet (Crypto Custodial Account)		
	420		X	X	Email dated January 11, 2022, from Reed Yurchak to Benjamin Reed re: Engagement Letter, Custodial Crypto Account (fully executed)		
	421		X	X	Discord Chat with theryanking; mycoMOVE; OBStacker; rice\$cracker and mr_fine dated March 24, 2022		
	423		X	X	Discord Chat with Felixander; rice\$cracker; _anna; Fuego and theryanking dated April 7, 2022		
	449		X	X	Peace DAO Movement Juicebox		
	466		X	X	Email dated October 26, 2022, from Ryan Breslow to Jon Gordon; Mark Phillips re: FYI		
	472		X	X	Discord Chat with Alex Fine, Benjamin Reed, David Steen, Jon Gordon, and others		
	481		X	X	Text Message chain with Jon Gordon		
	482		X		New York Times Article "Bolt Built \$11 Billion Payment Business on Inflated Metrics and Eager Investors."		
	X	5/30/23			Mark Phillips – Continuation		
	9		X	X	MIP 0001: Adopt the Governance and Multisig Process		
	11		X	X	MIP 0003: Bootstrap Product Development		

EXHIBIT AND WITNESS LIST - CONTINUATION